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October 16, 2012

**VIA ELECTRONIC FILING**

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
The Portals  
445 12th Street SW  
Washington DC 20554

**Re: NOTICE OF EX-PARTE COMMUNICATION**

*In the Matter of Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications, PS Docket No. 11-153; and In the Matter of Framework for Next Generation 911 Deployment, PS Docket No. 10-255.*

Dear Ms. Dortch:

On October 12, 2012, Bob Quinn, Jim Bugel, Brian Daly, and I (all from AT&T) met with Charles Mathias, Special Counsel to Chairman Genachowski, David Turetsky, Chief of the Public Safety and Homeland Security Bureau, and David Furth, Deputy Bureau Chief of the Public Safety and Homeland Security Bureau. The purpose of the meeting was to discuss the differences in the prospective “call flows” between a text message to 911 sent via CMRS carrier SMS service versus when a text message to 911 is sent via an Over-the-Top (“OTT”) application that is interoperable with the SMS platform. Examples of each of these call flows can be found in the attached materials, which were used during the discussion.

In addition, AT&T reiterated concerns raised in previous meetings with the Commission on this topic. First, AT&T expressed its concern that limiting the mandate of Text-to-911 services to SMS services provided by telecommunications carriers would be short-sighted, and thus a great disservice to the general public. A text-to-911 mandate that is exclusive to the SMS platform fails to account for the fact that such services are experiencing both declining revenues and usage due to the proliferation of free OTT texting applications. The FCC must adopt a technologically-neutral solution that applies equally to carrier-provided SMS services and competitive alternatives to avoid distorting the marketplace to the detriment of one service provider.

And, second, AT&T noted that because many of these OTT applications are indistinguishable from SMS services and directly interoperate with the SMS platform, many users will not understand that they cannot send text messages to emergency services via OTT



applications. Thus, the absence of a clear, technologically-neutral text-to-911 mandate that also applies to such applications will cause confusion and delays for consumers at precisely the worst possible moment, that is, when they are trying to reach emergency services. While such distinctions may be meaningful to telecommunications lawyers and regulators, they are utterly meaningless to the general population, including the disabled community who has been active in this proceeding. Given the universally understood and widely-accessed nature of 911 emergency service, the FCC should decline to adopt such a finely-parsed policy decision.

In accordance with the Commission's rules, this letter and the attached presentation are being filed in the above referenced dockets via the FCC's Electronic Comments Filing System.

Should you have any questions regarding the above or the attached, please feel free to contact me directly.

Sincerely,

/s/ Joseph P. Marx  
Assistant Vice President, AT&T Services Inc.

cc: (via e-mail)  
Charles Mathias  
David Furth  
David Turetsky

Attachment